

**JANUARY 10, 2006**

**CITY OF GUNNISON COUNCIL  
REGULAR SESSION MINUTES**

**7:00 P.M.**

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Medina, Harriman, Miller and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Police Chief Anderson, Community Development Director Westbay, Finance Director Hanson, Electric Superintendent Bradford, many interested citizens and the press.

**JANUARY 10, 2006**

**PUBLIC HEARING**

**7:00 P.M.**

Mayor Ferguson opened the Public Hearing at 7:00 P.M. and stated the reason for the Hearing is to receive public input on Gunnison County Application ZA-05-6, for the request to rezone 202 East Georgia Avenue from R-2 (Duplex Residential) to B-1 (Professional Business). The real property for which rezoning is sought is legally described as Lots 8-12, Block 3, Original Gunnison, Gunnison, Colorado, also known as 202 East Georgia Avenue. The Mayor asked for proof of publication which was provided by the City Clerk.

Mayor Ferguson asked for City Staff comment and recommendation. Community Development Director Westbay addressed Council and reviewed the Staff report and the recommendation from the Planning and Zoning Commission. The Planning & Zoning Commission held two public hearings on the application, the initial hearing on November 9, 2005, and a 2nd hearing on December 14, 2005. The neighbors requested some changes in the site plan to address screening and at the December 14th Public Hearing, both neighbors provided testimony in support of the application. Staff and the Planning & Zoning Commission recommend approval of the application. Director Westbay cited the application meets the Land Development Code (LDC) criteria for rezoning, there is a need for additional B-1 lots in the City, the adjacent uses are conducive to the rezoning, and there has been a change in the neighborhood from strictly residential in recent years. Attorney Landwehr noted there are many commercial lots in the adjacent neighborhood and the B-1 zone allows for transition between the commercial and residential uses.

Councilor Nesbitt stated for the record he had heard concerns with the potential rezoning from residents in the 300 and 400 Blocks of North Iowa Street. Councilor Nesbitt asked if this was "spot zoning" and if the applicant was a private individual asking for rezoning would the recommendation still be favorable. Director Westbay stated the recommendation would be the same and this is not considered spot zoning. The recommendation is based on the proposed use of the property and not the applicant. The property being considered for rezoning is not surrounded by residential uses and the planned use is compatible with the changing uses of adjacent properties in the neighborhood.

Mayor Ferguson called for applicant comment. Mike Pelletier, Gunnison County Planner, came forward and addressed Council. He stated the rezoning fits the City Master Plan for mixing compatible uses for diversity. The immediate neighbors are in favor of the application and there are like uses in the neighborhood. He stated the rezoning isn't considered spot zoning but reflects changing uses in the neighborhood. Council had no further questions for Mr. Pelletier.

Mayor Ferguson called for public comment. Butch Clark, City resident, came forward. He stated he made comment at the Planning & Zoning Commission hearing and asked Council to look at the whole context for future uses in the City. There may be a need to change zone boundaries in the new Master Plan but the City should look at keeping residential areas close to the center of Gunnison. Council thanked Mr. Clark.

Hearing no further comments, the Mayor closed the Public Hearing at 7:15 P.M.

**JANUARY 10, 2006**

**PUBLIC HEARING**

**7:15 P.M.**

Mayor Ferguson called the next Public Hearing to order at 7:15 P.M. and stated the reason for the Public Hearing is to receive public input on the Proposed Refuse Rates Charged by the City of Gunnison, Colorado. Mayor Ferguson asked for Proof of Publication which was provided by City Clerk Davidson.

Mayor Ferguson asked for Staff comment and recommendation. City Manager Coleman stated Staff had met with Council on three previous occasions and discussed several scenarios to cover the costs required by the City to collect refuse and recycling. The flat rate structure is the easiest to implement and that is the recommendation before Council this evening. Councilor Nesbitt stated the City needs to watch these big jumps in fees and should look at smaller yearly increases. City Manager Coleman agreed to examine the rate structure annually.

Mayor Ferguson called for public comment. Councilor Harriman stated she was disappointed the pay-as-you-go rate isn't being considered. She hopes as an automated collection system is look at in the future that the inequities in the refuse rates will be resolved. City Manager Coleman stated that the automated system will be looked at in 2008-2009 as the trash truck is scheduled for replacement. Hearing no further comment, the Public Hearing was closed at 7:19 P.M.

**JANUARY 10, 2006**

**REGULAR SESSION**

**7:19 P.M.**

**Consent Agenda:**

Mayor Ferguson stated the consent agenda is a series of items previously discussed by Council or are routine in nature. The items are acted upon with a single motion and vote. The Mayor asked if any Councilor or citizens wanted any item removed from the Consent Agenda to be acted upon separately. City Attorney Landwehr asked that item C. Approve Contract and Authorize Mayor's signature on Contract with Western Area Power Administration (WAPA) for Substation Maintenance, be removed from the agenda as the action requires the contract be approved by Resolution. Mayor Ferguson stated the item would be placed under Ordinance and Resolutions on the agenda for consideration. Items on the Consent Agenda:

**Regular Session Meeting Minutes of December 13, 2005.**

**City Employee Personnel Manual Policy Change to Section 8.4 Residency Requirements.**

**Designate Two Official Posting Places in City Hall for City Minutes, Agendas, and Notices.**

Councilor Harriman moved and Councilor Medina seconded the motion to approve the Consent Agenda as amended.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller, Nesbitt. So carried.

Roll call vote, no: None.

**Pre-Scheduled Citizens:**

**Superstars of Property Awards.** Mayor Ferguson explained the awards are for business or residential property owners who have given exceptional attention to their land and/or building during 2005 and are deserving of recognition by the City. The following properties and their owners were recognized and were awarded Gunnison Greenbacks:

Commercial Category: 1st Place to the new Professional Office Building at 210 W. Spencer Avenue housing Vern Moter Accounting, Paragon Computers and Viles Electronics; 2nd Place to Chris Kline for the remodel of the old building at 120 S. Iowa Street; and 3rd Place to Randy Melton for the new building at 721 S. 9th Street.

Residential Category: 1st Place to Linda Blackwood and family for the remodel and addition at 410 N. Wisconsin Street; 2nd Place to the new Mark Lucas Condominiums at Ohio Avenue and 11th Street; and 3rd Place to Tom Pulaski for the landscaping at the old cabins at Tomichi Avenue and 10th Street. Honorable mention and certificates went to the following buildings: Western State College for the Escalante Terrace Remodel and the Mountaineer Bowl Community Track renovation project; Gunnison County for the new ARFF Building at 601 Rio Grande Avenue; the City of Gunnison for the new Community Center at 200 East Spencer Avenue; and to the Gunnison Arts Center for the Pavilion Improvements at 102 South Main Street. The Mayor and Council thanked all of these property owners for their contributions to the community.

**County Manager John DeVore – Funding Request for Gunnison Sage Grouse Coordinator.** The County Manager was joined by County Commission Chair Jim Starr.

The County is requesting funding from the City for the Sage Grouse Coordinator position. It is anticipated to be a three year program with an annual budget of \$73,000 plus miscellaneous expenses. Contributions so far are: \$50,000 from the County, \$5,000 from Crested Butte, \$5,000 from CBRM, \$10,000 from GCEA, with the following organizations to be asked for funding in the near future, Mt. Crested Butte, Saguache County, local lenders, the Stockgrowers Association, the Board of Realtors and local developers. Items discussed: the need to show a coalition of support for future grant applications; the impact of the bird being listed as an endangered species; the need to show unification within the Valley and the need to take a proactive approach to the Federal listing; the possible impact on the City of Gunnison and future annexations; possible delays in granting of grazing permits and the impact on the local economy; increased costs on development due to mitigation standards; and the need for an Intergovernmental Agreement with the County should the City decide to assist with funding. Council had the following questions and comments: they would like to see a program budget; they would like to see other counties impacted by the potential designation working together; we need to determine where funding might come from in the 2006 budget; if the funding is double taxation since the citizens of Gunnison are also citizens of the County; and the City needs to know how funds will be handled if the entire \$100,000 is not needed in one year. County Manager DeVore indicated the City can make payment at the end of the year and the County will provide Council with a program budget prior to the City signing the IGA. Finance Director Hanson informed Council the funds would have to come out of the \$12,000 in the budget for Additional Contracts of Service line item. By waiting until the end of the year, there may be more money available in the line item if sales tax revenue is higher than projections.

Councilor Miller moved and Councilor Nesbitt seconded the motion to enter into an Intergovernmental Agreement with Gunnison County to allocate \$5,000, payable at the end of fiscal year 2006, for the Sage Grouse Coordinator Program.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.

Roll call vote, no: None.

#### **Unfinished Business:**

**Discussion on Proposed Electric Rates and Set Public Hearing on Said Rates.** Electric Superintendent Bradford reviewed the proposed rates with Council. This item was discussed in detail at the January 3rd Council Work Session. Per Council's direction, the rates were revisited and set at a lower rate than the rate review report suggested.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to set a public hearing on the proposed change in electric rates for 7:00 P.M., Tuesday, February 28, 2006, in the City Council Chambers of City Hall.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.

Roll call vote, no: None.

#### **New Business:**

**Gunnison Council for the Arts Request for \$500 for Economic Impact of Community Arts Survey.** Paul Edwards, representing the Gunnison Council for the Arts informed Council the survey will be more expansive than originally proposed as it will include other entities in the community such as the Pioneer Museum.

Councilor Miller moved and Councilor Nesbitt seconded the motion to approve the \$500 request from the Gunnison Council for the Arts to assist with the Economic Impact of Community Arts survey and to prepare a Contract for Service.

Roll call vote, yes: Miller, Nesbitt, Medina, Harriman, Ferguson. So carried.

Roll call vote, no: None.

Finance Director Hanson informed Council she will prepare a Contract for Service and bring it to Council in February for approval.

**Ordinance and Resolutions:**

**Ordinance No. 1, Series 2006; Re: Refuse Rates; 1st Reading.**

Councilor Harriman introduced Ordinance No. 1, Series 2006, and it was read by title only by the City Attorney with the amounts of the electric rate changes.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Ordinance No. 1, Series 2006, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE MONTHLY RATES CHARGED BY THE CITY OF GUNNISON PUBLIC WORKS DEPARTMENT FOR GARBAGE AND RECYCLING SERVICES**, be introduced, read, passed and ordered published on first reading this 10th day of January, 2006.

Roll call vote, yes: Nesbitt, Medina, Harriman, Ferguson, Miller. So carried.

Roll call vote, no: None.

**Ordinance No. 2, Series 2006; Re: Amending the Zoning District Classification of a Parcel of Land, Known as 202 East Georgia Avenue, from R-2 to B-1 and Amending the Official Zoning Map of the City; 1st Reading.**

Councilor Miller introduced Ordinance No. 2, Series 2006, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Medina seconded the motion that Ordinance No. 2, Series 2006, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE ZONING DISTRICT CLASSIFICATION OF A PARCEL OF LAND DESCRIBED AS LOTS 8 THROUGH 12, BOTH INCLUSIVE, BLOCK 3, ORIGINAL GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, FROM R-2 (DUPLEX RESIDENTIAL DISTRICT) TO B-1 (PROFESSIONAL BUSINESS DISTRICT), AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GUNNISON, COLORADO**, be introduced, read, passed and ordered published on first reading this 10th day of January, 2006.

Roll call vote, yes: Medina, Harriman, Ferguson, Miller. Motion carried.

Roll call vote, no: Nesbitt.

**Ordinance No. 3, Series 2006; Re: Amending the Rates to be Charged by the City of Gunnison Electric Department for Electricity Consumed, 1st Reading.**

Councilor Harriman introduced Ordinance No. 3, Series 2006, and it was read by title along with Section 1. Electric Rates, by the City Attorney.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Ordinance No. 3, Series 2006, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, AMENDING THE RATES TO BE CHARGED BY THE CITY OF GUNNISON ELECTRIC DEPARTMENT FOR ELECTRICITY CONSUMED**, be introduced, read, passed and ordered published on first reading this 10th day of January, 2006.

Roll call vote, yes: Harriman, Ferguson, Miller, Nesbitt, Medina. So carried.

Roll call vote, no: None.

**Resolution No. 1, Series 2006, Approving Contract with Western Area Power Administration for Maintenance of the Gunnison Main Substation and Gunnison North Main Substation and Authorizing the Execution of Said Contract.** This item was moved from the Consent Agenda added to the main agenda at the beginning of the meeting.

Councilor Miller introduced Resolution No. 1, Series 2006, and it was read by title only by the City Attorney.

Councilor Miller moved and Councilor Harriman seconded the motion that Resolution No. 1, Series 2006, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING A CONSOLIDATED FACILITY ARRANGEMENTS CONTRACT BY AND BETWEEN THE CITY OF GUNNISON, COLORADO, AND UNITED STATES DEPARTMENT OF ENERGY WESTERN AREA POWER ADMINISTRATION, BEING CONTRACT NO. 05-RMR-1515, AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BY THE MAYOR**, be introduced, read, passed and adopted this 10th day of January, 2006.

Roll call vote, yes: Ferguson, Miller, Nesbitt, Medina, Harriman. So carried.

Roll call vote, no: None.

**City Attorney: Rod Landwehr:** Nothing to report.

**City Manager: Ken Coleman:** Reported there are some agenda items on the horizon for the 5th Tuesday, Council Work Session. Scheduled is a discussion, initiated by City Councilors, on the “Big Box” Ordinance and Scott Morrill will be present to discuss adoption of a resolution concerning emergency services. Manager Coleman also informed Council he will attend the RTA meeting this Friday along with Councilor Medina and Mayor Ferguson.

**Acting City Manager: Police Chief Greg Anderson:** Nothing to report.

**City Clerk: Gail Davidson:** Nothing to report.

**Non-Scheduled Citizens:**

Butch Clark came forward and informed Council there are several reports pertinent to the Sage Grouse discussion that can be downloaded. He also stated there is a report on WAPA contracts and for Council to let him know if they’d like to review that report. Council thanked Mr. Clark.

Richard Karas came forward and informed Council he attended the County Planning meeting last week in Crested Butte. Discussed at that meeting was the Whetstone Business Park and associated economic development issues. This type of business park would be a small business incubator that might allow some locals to start their own businesses. If light industrial uses are combined with residential units this is a cost savings to the business owner. He suggests the City to look at this type of development in the Master Plan process.

**General Discussion/Items for Work Session:**

**Mayor Ferguson: January Mayors’/Managers’ Meeting Report.** Mayor Ferguson attended the meeting with Acting City Manager Anderson. Discussed at the meeting: Mt. Crested Butte building activity is way up; the actual skier days at CBMR are down but revenues are up; there are snow storage problems in the north end of the valley; Gunnison County is working on the sage grouse program; economic development was discussed; and there was a discussion on the special events coordinator program.

**Council Medina: Gunnison Valley Economic Development Corporation Meeting Report.**

Items discussed at that meeting include: Thom Cox took over as Vice-Chair of the meeting; GVEDC Executive Director Mike Darnell submitted his resignation and it was accepted by the Board; Mr. Cox will assume the Interim Director duties; a possible IGA between the various governmental entities to provide permanent funding for the GVEDC; the Board decided to take a six month hiatus to wait to see what the local governments decide is the direction for economic development; and the Chamber of Commerce has agreed to field economic development inquiry calls during the six month hiatus.

**Councilors Miller, Harriman and Nesbitt:** Nothing further to report.

**Adjournment:** At 8:51 P.M.

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Mayor

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City Clerk